

**Notice of Allowability**

Application No.

09/846,158

Applicant(s)

JOHNSON, JUDITH A.

Examiner

Michael B. Holmes

Art Unit

2121

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to September 27, 2004.
2. ☒ The allowed claim(s) is/are 1-24.
3. ☒ The drawings filed on 30 April 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



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**UNITED STATES PATENT AND TRADEMARK OFFICE**

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P.O. Box 1450, Alexandria, Virginia 22313-1450 - [WWW.USPTO.GOV](http://www.USPTO.GOV)

**Examiner's Detailed Office Action**

1. Claims 1-24 are allowed.
2. Examiner's note: Regarding the present application, full faith and credit has been granted the work performed by the prior Examiner.

**REASONS FOR ALLOWANCE**

3. The following is an Examiner's statement for reasons for allowance:
4. The closest prior art *Malcolm Wallace* and *Colin Runciman* ("*Wallace et al.*") "Haskell and XML: Generic Combinators or Type-Based Translation?" 1999 ACM, does not teach or render obvious applicant's claimed invention. In particular, as pointed out below, the prior art lacks certain features and the combination as specified in the respective claims.
5. With regards to claim 1 *Wallace et al.* does not disclose " ... *describing data in a document, on the computer, in a hierarchical format utilizing the stored extensible markup language; and importing the data in the document to a genetic algorithm comprising a randomized search algorithm to define a data string or an individual in a population of points, the population of points comprising a bit string encoded to represent the data or individual.*"

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6. With regards to claim 7 *Wallace et al.* does not disclose “ ... *randomly generating documents on the computer, conforming to the genetic algorithm individual DTD; and providing utilities, on the computer, for performing crossover operations and/or mutation operations.*”

7. With regards to claim 14 *Wallace et al.* does not disclose “ ... *randomly generating documents, on the computer, conforming to the genetic algorithm individual DTD; and providing utilities, on the computer, for performing one or more of the operators from the group comprising: crossover, mutation, permutation, editing, encapsulation, and dissemination.*”

8. With regards to claim 20 *Wallace et al.* does not disclose “ ... *providing an XSL style sheet containing instruction for the genetic algorithm to construct a population of individuals; creating a population of individuals from the input data in accordance with the instructions from the XSL style sheet; randomly generating documents, on the computer, conforming to the genetic algorithm individual DTD; providing a fitness function for the individuals of the created population; and providing utilities, on the computer, for performing one or more of the operators selected from the group comprising: crossover, mutation, permutation, editing, encapsulation, and dissemination.*”

### Correspondence Information

9. Any inquires concerning this communication or earlier communications from the examiner should be directed to **Michael B. Holmes**, who may be reached Monday through Friday, between 8:00 a.m. and 5:00 p.m. EST. or via telephone at **(571) 272-3686** or facsimile transmission **(571) 273-3686** or email [Michael.holmesb@uspto.gov](mailto:Michael.holmesb@uspto.gov).

If attempts to reach the examiner are unsuccessful the **Examiner's Supervisor**, **Anthony Knight**, may be reached at **(571) 272-3687**.

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***Michael B. Holmes***

Patent Examiner  
Artificial Intelligence  
Art Unit 2121

United States Department of Commerce  
Patent & Trademark Office

*Friday, January 7, 2005*

*MBH*

A handwritten signature in black ink, appearing to read 'Anthony Knight', with a stylized flourish at the end.

**Anthony Knight**  
**Supervisory Patent Examiner**  
**Group 3600**